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implications upon man's estimate of his life on earth, in all these things *hoch ragt das spätere Judenthum über die Propheten empor*.

I have pointed out certain inaccuracies and insufficiencies in Professor Smend's book. But I have not, I hope, given any reader the impression that it does not also contain many merits and excellencies as well as an immense amount of useful information. The constantly increasing pile of books upon the Old Testament is very alarming, but, nevertheless, I much fear that every serious student of Biblical religion will have to read through the 536 pages of the new *Lehrbuch der alttestamentlichen Religionsgeschichte*!

June 23rd, 1893.

C. G. MONTEFIORE.

Das Bundesbuch, Ex. xx. 22-xxiii. 33; seine ursprüngliche Gestalt, sein Verhältniss zu den es umgebenden Quellschriften und seine Stellung in der alt-testamentlichen Gesetzgebung. Von BRUNO BAENTSCH. (Halle: Max Niemeyer, 1892.)

Das Heiligkeits-Gesetz, Lev. xvii.-xxvi. Eine historisch-kritische Untersuchung. Von BRUNO BAENTSCH. (Erfurt: Hugo Güther, 1893.)

THE author's aim in these two books is "to test, corroborate, and confirm in detail positions already won" rather than to establish fresh ones, the main positions on which the future treatment of the history of Israel must rest being already secured (*Bundesbuch*, p. 123; *Heiligkeits-Gesetz*, p. 153). He starts with the assumption that the Pentateuch is composite, and that the critical analysis is in the main correct; and, while his own investigations confirm it afresh, he is convinced beforehand of the accuracy of the Grafian hypothesis as to the date of the Priests' Code. It is, therefore, to those who admit the validity of his assumptions that his books will primarily appeal; but to such they can scarcely fail to be suggestive.

Each book, after some brief introductory matter, starts with a detailed analysis of the chapters in question, on the basis of which the author determines (a) the date of the constituent literary elements relatively to one another, and to other legislative portions of the Pentateuch; and (b) the actual date of each. The second book contains, in addition, a chapter dealing with the theological, ethical, and ritual ideas of the "Law of Holiness," with a view to confirming the critical results previously obtained.

The analysis of Bb (Baentsch's symbol for Ex. xx. 22—xxiii. 33) leads to the following results:—Bb consists, in the main, of two

originally distinct works—a collection of ethical exhortations (Ex. xx. 22-26; xxii. 17—xxiii. 19) and a collection of legal decisions (xx. 1—xxii. 16). In its present form it contains numerous additions of various dates (viz., xx. 22, 23; xxii. 20*b*, 21, 23, 24*b*, 30; xxiii. 4, 5, 8, 9, 13 (parts), 15 (כֹּהֵן אֱלֹהִים . . . כֹּהֵן, 17-19); and has probably suffered from some omissions. Of the concluding verses (xxiii. 20-33), which are certainly not original, verses 20-22*a*, 25*c*-31*a* may be assigned to E. An examination of the relation of Bb to the surrounding and related narratives shows that the Code has been awkwardly placed in its present position by a redactor; for Ex. xxiv. 4-8 originally formed the conclusion of Ex. xxxiv., which contains what Bb is certainly not—a “Book of the Covenant”: it is due to this redactorial arrangement that Bb has received the inappropriate title which it now bears, and which is taken from xxiv. 7.

As to date: Bb—a complex of ethical commands and ritual decisions—is posterior to the original form of J's Decalogue (Ex. xxxiv.) which consisted exclusively of simple ritual directions, anterior to it in its present edited form, and certainly earlier than the purely ethico-religious Decalogue in E (Ex. xx.). Again, the כִּשְׁפֹטִים (xx. 1—xxii. 16) must be earlier than J, but subsequent to a time of settled national life: the period of David, therefore, forms the upward, the latter part of the ninth century the downward limit of this part of the Code; but while thus “reaching back to early, pre-prophetic antiquity, Bb is in regard to its ethical directions, and as a literary whole such as we know it, a product of the prophetic period in the eighth century” (p. 122).

The arrangement of the Essay on the *Bundesbuch* is confusing. Thus, after a long discussion (p. 59ff.) the conclusion is drawn that “in respect of authorship it [Bb] belongs to neither of the two sources [J or E], but was an independent piece of legislation . . . which (mutilated, abbreviated, with transpositions and additions) was incorporated by J in his historical work” (p. 73); later we reach the conclusion: “Bb—whether taken from one of the two sources (J or E) or from elsewhere—was placed by Rj in its present position” (p. 91); while only at the end do we learn that Bb was certainly unknown to J, probably not used by E, but, being found by Rj, was incorporated by him in his work based on J and E. Some clue at least might have been given that the former conclusions were merely provisional and incomplete, if not actually false. One word as to the symbol Bb: Why this, if Exodus xx. 22—xxiii. 33, is *not* the Book of the Covenant? A symbol based on a misunderstanding may be conveniently retained after the misunderstanding has been corrected, but a symbol deliberately selected with reference to a con-

ception which—at least in its author's opinion—is false cannot be welcomed.

In the second book, the arrangement of which is excellent, results are reached which may be summarised thus: The Law of Holiness proper (H), even after the intrusive sections of P have been removed, remains a very complex whole. The history of its growth is as follows: Between the years 621 and 591, and probably within a year or two of the latter term, a writer (H¹) made a collection of previously existing laws, giving them a *parenetic* framework and the *historical* background of the wandering in the wilderness. This collection survives in Leviticus xviii.—xx., xxiii. 9-12, 15-17, 18a, 19b, 20, 22; xxiv. 15-22; xxv. 1-7, 14, 17, 18-22, 23, 24, 35-38; xxvi. 1, 2. Some years later—later also than Ezekiel—another writer (H²) also made a collection of previously existing laws. These are mainly concerned with the priests and the offerings, and are provided by their editor with a *dogmatic* framework. This collection survives in Leviticus xxi., xxii.¹ Quite at the close of the Captivity, an exile, anxious that the restored community should be regulated aright, united H¹ and H², prefixed ch. xvii. (H³), and concluded the whole with a previously existing prophetic discourse (Lev. xxvi. 3ff.), to which he made various additions (vv. 10, 17 (?), 34, 35, 39-43) appropriate to his immediate purpose. H was thus complete before the close of the exile. Subsequently it suffered interpolations and was finally incorporated by a redactor with P.

It will be at once clear that if, even in the main, this theory be accepted, the vexed question of the relative dates of H and Ezekiel will be greatly simplified.

But to come to detail. H¹ is with good reason regarded by our author as earlier than Ezekiel: his grounds for making H² subsequent to that prophet are by no means so strong. The evidence, as he shows (pp. 108-114), is somewhat conflicting; and his own conclusion is mainly based on the presence in H², and the absence in Ezekiel, of the high-priest. But to lay so much stress on this is to overlook the possibility, and indeed the likelihood, of different currents of thought among the exiles, and a consequent difference in various ideal systems constructed for the future. The test of actuality was for the present impossible, and every one was free to create his system according to his special environment or education. Ezekiel, who, priestly prophet as he was, was yet, as prophet, heir to the conception of an ideal Davidic ruler, may very well have made such a prince the crown

¹ In their present form both Leviticus xxi., xxii., and especially ch. xvii., are shown to have received glosses and interpolations.

of his system, even although a more priestly-minded contemporary had already sketched a system in which the "high-priest among his brethren" was to occupy the chief place. The case for the priority of Ezekiel is therefore weakened, (1) by the fact that the "high-priest" of H² and the "Nasi" of Ezekiel are not mutually destructive ideals; and (2) by the well-known differences of attitude toward prince and high-priest respectively which, still existing at the close of the exile, have left their mark on the prophecies of Haggai and Zechariah.

There are other cases in both books in which the author bases more on the facts at his command than they will bear, or, at any rate, than he justifies: *e.g.*, probable as it is that H¹ was acquainted with the Decalogue in its final form, his proof ("*Das Heiligkeits-Gesetz*, p. 80f.) is quite inconclusive.

But the value of these books does not turn alone on the ultimate accuracy of the many minor hypotheses which they contain. It rather lies in careful and discriminating analysis, which shows how untenable is the notion that Hebrew law as a whole (or even great sections of it) was the fruit of one man's brains, though he were a Moses or an Ezra. Hebrew Law, as that of other nations, is a growth, and the more this is realised, of the more value for the History of the Development of the Religion of Israel will the study of the legal writings become. The books before us deserve the greater welcome, because, while professedly and thoroughly critical, the criticism they contain is fruitful both in historical and theological suggestion.

G. BUCHANAN GRAY.

Beiträge zu Salomo da-Piera's Leben und Werken nebst Auszügen aus seinem Divan von HEINRICH BRODY, *Frankfort am Main, J. Kauffmann* (also with a Hebrew title and a dedication in Hebrew to Dr. G. Berliner, on the occasion of his sixtieth birthday).

THIS small pamphlet, which is written in Hebrew, furnishes a few specimens of a comparatively little-known Jewish poet who lived in Spain at the beginning of the fifteenth century. Salomon b. Meshulam Dapiera has found no place in Zunz's *Literaturgeschichte*, whilst Graetz has only a few slighting remarks about the *Dichterling*. We find indeed a rather detailed account of Dapiera's prose and poetic productions in Krafft and Deutsch's catalogue of the Hebrew MSS. of the Imperial Library in Vienna; but it was principally Steinschneider who, in his articles on *Poeten und Polemiker in Nordspanien* (Hebrew